

Town Board Minutes

**Meeting
No. 17**

Special Meeting

June 2, 1997

MEETINGS TO DATE 17
NO. OF REGULARS 10
NO. OF SPECIALS 7

LANCASTER, NEW YORK
JUNE 2, 1997

A joint meeting of the Town Board and the Planning Board of the town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 2nd day of June 1997, at 6:30 PM and there were

PRESENT: ROBERT GIZA, SUPERVISOR
DONALD KWAK, COUNCIL MEMBER
JOHN MILLER, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
FRANK DE CARLO, PLANNING BOARD MEMBER
JOHN GOBER, PLANNING BOARD MEMBER
MELVIN SZYMANSKI, PLANNING BOARD MEMBER
MILDRED WHITTAKER, PLANNING BOARD MEMBER

ABSENT: REBECCA ANDERSON, PLANNING BOARD CHAIRMAN
DAVID MARRANO, PLANNING BOARD MEMBER
STEVEN SOCHA, PLANNING BOARD MEMBER
MARK MONTOUR, COUNCIL MEMBER

ALSO PRESENT: ROBERT THILL, TOWN CLERK
RICHARD SHERWOOD, TOWN ATTORNEY
ROBERT LANEY, BUILDING INSPECTOR
ROBERT LABENSKI, TOWN ENGINEER

PURPOSE OF MEETING:

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for a State Environmental Quality Review of two actions.

**IN THE MATTER OF THE SEQR REVIEW OF THE
AIRTECH, INC. SITE PLAN**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the Airtech, Inc. site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

**THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK
WHO MOVED ITS ADOPTION, SECONDED BY
PLANNING BOARD MEMBER GOBER. TO WIT:**

RESOLVED, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:
AIRTECH, INC. SITE PLAN
NEGATIVE DECLARATION**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.11, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.10.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 11± acres.

The location of the premises being reviewed is situate on the south side of Walden Avenue, west of Pavement Road.

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type I threshold in 6 NYCRR, Part 617.12.
- B. The action will receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.
- C. The proposed action will not result in any adverse effects associated with the following: (except as noted)
- C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.
- a) It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required.

No adverse effects noted

- C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.

No adverse effects noted

- C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.

No adverse effects noted

- C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.

No adverse effects noted

- C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.

No adverse effects noted

- C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.

No adverse effects noted

- C.7 Other impacts (including changes in use of either quantity or type of energy).

No adverse effects noted

- D. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

s/s _____
Robert H. Giza, Supervisor
Town of Lancaster

SEAL

June 2, 1997

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

and,

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote on roll call which resulted as follows:

SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
PLANNING BOARD CHAIRMAN ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER DE CARLO	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER MARRANO	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD MEMBER WHITTAKER	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

June 2, 1997

**IN THE MATTER OF THE SEQR REVIEW OF THE
ALCO PLASTICS, INC. SITE PLAN**

The Municipal Review Committee proceeded with the Long Environmental Assessment Form on the Alco Plastics, Inc. site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Long Environmental Assessment Form entitled "Part 2 Project Impacts and Their Magnitude" which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK WHO
MOVED ITS ADOPTION, SECONDED BY
PLANNING BOARD MEMBER WHITTAKER, TO WIT:

RESOLVED, that the following Negative Declaration be adopted:

**NOTICE OF DETERMINATION
ALCO PLASTICS, INC. SITE PLAN
NEGATIVE DECLARATION**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is a Type I action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.11, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.10.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 1.73± acres.

The location of the premises being reviewed is situate on the west side of Ward Road, 916.60 feet north of Walden Avenue.

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will not result in a physical change to the project site.
2. The proposed action will not effect any unique or unusual land forms found on the site.
3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will not affect surface or ground water quality or quantity.
6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will not affect air quality.
8. The proposed action will not affect any threatened or endangered species.
9. The proposed action will not substantially affect non-threatened or endangered species.
10. The proposed action will not affect agricultural land resources.

11. The proposed action will not affect aesthetic resources.
12. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.
13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
14. The proposed action will not impact on the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6 NYCRR 617.14(g).
15. The proposed action will not affect existing transportation systems.
16. The proposed action will not affect the community's sources of fuel or energy supply.
17. There will not be objectionable odors, noise, or vibration as a result of this proposed action.
18. The proposed action will not affect public health and safety.
19. The proposed action will have a small to moderate affect on the character of the existing community.
20. There is not, or is there likely to be, public controversy related to potential adverse environmental impacts.

SEAL

s/s _____
Robert H. Giza, Supervisor
Town of Lancaster

June 2, 1997

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote on roll call which resulted as follows:

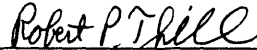
SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
PLANNING BOARD CHAIRMAN ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER DE CARLO	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER MARRANO	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD MEMBER WHITTAKER	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

June 2, 1997

ADJOURNMENT:

ON MOTION DULY MADE, SECONDED AND CARRIED, this meeting was adjourned at 7:02 P.M.



Robert P. Thill, Town Clerk

Town Board Minutes

Meeting No. 18

Regular Meeting

June 2, 1997

MEETINGS TO DATE 18
NO. OF REGULARS 11
NO. OF SPECIALS 7

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LANCASTER, NEW YORK
JUNE 2, 1997

PRESENT: DONALD KWAK, COUNCIL MEMBER
JOHN MILLER, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: ROBERT THILL, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
ROBERT LANEY, BUILDING INSPECTOR
THOMAS FOWLER, CHIEF OF POLICE
JOHANNA COLEMAN, RECEIVER OF TAXES
CHRISTINE FUSCO, ASSESSOR

PERSONS ADDRESSING THE TOWN BOARD:

Sherry, Timothy, 62 Rehm Road, spoke to the Town Board on the following matter:

Any progress on research of new legislation to restrict picketing in the Hillview Estates area.

Sherlein, Jack, 5 Allyssum Court, spoke to the Town Board on the following matter:

Opposition to the AHEPA #91 INC. Senior Housing Project.

Symer, Donald, 610 Columbia Avenue, spoke to the Town Board on the following matter:

A recent newspaper article referring to the proposed National Tire Service Facility as being located in the Town of Clarence rather than the Town of Lancaster.

Murray, Kevin, 690 Center Street, Herndon, Virginia, spoke to the Town Board on the following matter:

On behalf of National Tire Services, review the proposed project and urged Town Board approval.

Zichitella, Robert, 33 Country Place, spoke to the Town Board on the following matter:

Preservation of a conservation area behind Queens Park Subdivision.

Workman, Theresa, 10 Alyssum Court, spoke to the Town Board on the following matter:

Asked various questions concerning the AHEPA #91 INC. Senior Citizen Project.

Tworek, Hank, 8 Primrose Lane, spoke to the Town Board on the following matter:

Opposition to AHEPA #91 INC. Senior Citizen Project.

Konst, Harry, AHEPA #91 INC., spoke to the Town Board on the following matter:

Answered various questions concerning the AHEPA Project.

Mallia, Linda, 6 Pond View Court, spoke to the Town Board on the following matter:

Picketing on Hillside Parkway.

Juszczak, Joseph, 600 Pleasant View Drive, spoke to the Town Board on the following matter:

Picketing on Hillside Parkway.

Brown, Daniel, 33 Hillside Parkway, spoke to the Town Board on the following matter:

Picketing on Hillside Parkway.

Rego, Art, 37 Hemlock Lane, spoke to the Town Board on the following matter:

Spoke in favor of AHEPA #91 INC. Senior Citizen Project.

Hermanowski, Conrad, 80 Banner Avenue, spoke to the Town Board on the following matter:

Spoke in favor of AHEPA #91 INC. Senior Citizen Project.

Ardino, Ronald, 70 Michael Drive, spoke to the Town Board on the following matter:

Spoke in favor of AHEPA #91 INC. Senior Citizen Project.

Smith, Robert, 1762 Como Park Blvd., spoke to the Town Board on the following matter:

Present status of proposed postal center on Como Park Blvd.

Kocialski, Art, 52 Brunck Road, spoke to the Town Board on the following matter:

Good craftsmanship necessary on new homes being built in Lancaster.

Kubicki, Gloria, 15 Maple Drive, spoke to the Town Board on the following matter:

Conditions on Bella Vista and Benderson Rezone approvals.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION. SECONDED BY COUNCIL
MEMBER MONTOUR. TO WIT:

RESOLVED, that the minutes from the Joint Meeting of the Town Board and
the Planning Board held on May 19, 1997, and the Regular Meeting of the Town Board held
on May 19, 1997, be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 2, 1997

File: RMIN(P3)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO
MOVED ITS ADOPTION. SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Town Line Volunteer Fire Department, Inc., by letter dated May 9, 1997, has requested the addition of the following members to the membership roster of said fire association,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the addition of Kenneth Foss and Daniel Wiegand to the membership of the Town Line Volunteer Fire Department, Inc.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 2, 1997

File: RPIRE (P4)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION. SECONDED BY COUNCIL
MEMBER MILLER TO WIT:

WHEREAS, M. A. Tufillaro, P. O. Box 1275, Williamsville, New York, has applied to the Town Board of the Town of Lancaster for permits to construct Public Improvements upon real property in the Town of Lancaster within Queens Park Subdivision, Phase II.

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit applications that he has reviewed the improvement plans and permit applications for the installation of the public improvements requested, and that they conform to the Ordinances of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Applications Nos. 466, 467, 468 and 469 of M. A. Tufillaro, P. O. Box 1275, Williamsville, New York, for the installation of:

P.I.P. No. 466 (Pavement & Curb)	1500 (+/-) LF of road with 6" upright curb and underdrain.
P.I.P. No. 467 (Water Line)	1548 LF 8" PVC waterline with hydrants and valves.
P.I.P. No. 468 (Storm Sewer)	955 LF 6" pipe, 470 LF 12" pipe, 404 LF 12" pipe, 697 LF 18" pipe, manholes and receivers.
P.I.P. No. 469 (Detention Basin)	Detention Basin

be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 2, 1997

File RPP(P10)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA. WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
STEMPNIAK. TO WIT:

WHEREAS, RJF Development, JV, 5653 Broadway, Lancaster, New York 14086, has requested the Town Board of the Town of Lancaster to accept work completed under a Street Lighting Public Improvement within Village on the Park Subdivision, Phase II, within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvement and has recommended the approval thereof.

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Street Lighting Public Improvement within Village on the Park Subdivision, Phase II, be and is hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 465 - Street Lights -

conditioned, however, upon the following:

1. **Receipt by the Town Clerk**, within 60 days, of a bill of sale to the improvements for the property conveyed to the Town of Lancaster.
2. **Receipt by the Town Clerk**, within 60 days, of a maintenance bond for the improvement accepted herein in the principal amount of 25% of the value of the improvement accepted. The bonds shall run for a term of two years commencing with the date of adoption of this resolution, and

BE IT FURTHER

RESOLVED, that a copy of this resolution be directed by the Town Clerk to the New York State Electric & Gas Corporation with a request to energize the street lights herein, and

BE IT FURTHER

RESOLVED, that should the conditions enumerated herein not be met within the stated 60 day period, the Building Inspector and the Town Clerk are directed to suspend the acceptance of building permit applications for construction within this subdivision, or subdivision phase, as the case may be.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 2, 1997

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA. WHO MOVED ITS
ADOPTION. SECONDED BY COUNCIL MEMBER
KWAK , TO WIT:

WHEREAS, George Stephen, 130 Maple Drive, Bowmansville, New York 14026, has requested the Town Board of the Town of Lancaster to accept work completed under a Street Lighting Public Improvement within Stony Brook South Subdivision, within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvement and has recommended the approval thereof.

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Street Lighting Public Improvement within Stony Brook South Subdivision, be and is hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 398 - Street Lights -

conditioned, however, upon the following:

1. **Receipt by the Town Clerk**, within 60 days, of a bill of sale to the improvements for the property conveyed to the Town of Lancaster.
2. **Receipt by the Town Clerk**, within 60 days, of a maintenance bond for the improvement accepted herein in the principal amount of 25% of the value of the improvement accepted. The bonds shall run for a term of two years commencing with the June 2, 1997 of adoption of this resolution, and

BE IT FURTHER

RESOLVED, that a copy of this resolution be directed by the Town Clerk to the New York State Electric & Gas Corporation with a request to energize the street lights herein, and

BE IT FURTHER

RESOLVED, that should the conditions enumerated herein not be met within the stated 60 day period, the Building Inspector and the Town Clerk are directed to suspend the acceptance of building permit applications for construction within this subdivision, or subdivision phase, as the case may be.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 2, 1997

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
S EMPNIAK, TO WIT:

WHEREAS, GlenHollow Associates No. 1, 1025 French Road, Cheektowaga, New York 14227, has requested the Town Board of the Town of Lancaster to accept work completed under a Street Lighting Public Improvement within GlenHollow Subdivision, Phase IIC, within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvement and has recommended the approval thereof,

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Street Lighting Public Improvement within GlenHollow Subdivision, Phase IIC, be and is hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 450 - Street Lights -

conditioned, however, upon the following:

1. **Receipt by the Town Clerk**, within 60 days, of a bill of sale to the improvements for the property conveyed to the Town of Lancaster.
2. **Receipt by the Town Clerk**, within 60 days, of a maintenance bond for the improvement accepted herein in the principal amount of 25% of the value of the improvement accepted. The bonds shall run for a term of two years commencing with the June 2, 1997 of adoption of this resolution, and

BE IT FURTHER

RESOLVED, that a copy of this resolution be directed by the Town Clerk to the New York State Electric & Gas Corporation with a request to energize the street lights herein, and

BE IT FURTHER

RESOLVED, that should the conditions enumerated herein not be met within the stated 60 day period, the Building Inspector and the Town Clerk are directed to suspend the acceptance of building permit applications for construction within this subdivision, or subdivision phase, as the case may be.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 2, 1997

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK. WHO MOVED
ITS ADOPTION. SECONDED BY COUNCIL
MEMBER MONTOUR . TO WIT:

WHEREAS, the developer has requested the Town Board of the Town of Lancaster to accept completed Public Improvements within Windsor Ridge Subdivision, Phase III, within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvements and has recommended the approval thereof,

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Public Improvements within Windsor Ridge Subdivision, Phase III, be and are hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 444 - Water Line
P.I.P. No. 445 - Storm Sewers
P.I.P. No. 443 - Pavement and Curbs

conditioned, however, upon the following:

1. **Receipt by the Town Clerk**, within 60 days, of an "Application For Permit To Construct A Public Improvement" for both street lights and sidewalks within this subdivision said application encompassing the area of the Public Improvements accepted herein, or greater area at the option of the developer.
2. **Receipt by the Town Clerk**, within 60 days, of deeds, easements title report, title insurance and bill of sale to the improvements for the property conveyed to the Town of Lancaster.
3. **Receipt by the Town Clerk**, within 60 days, of maintenance bonds for each of the improvements accepted herein in the principal amount of 25% of the value of the improvements accepted. The bonds shall run for a term of two years commencing with the date of adoption of this resolution, and

BE IT FURTHER

RESOLVED, that should the conditions enumerated herein not be met within the stated 60 day period, the Building Inspector and the Town Clerk are directed to suspend the acceptance of building permit applications for construction within this subdivision, or subdivision phase, as the case may be.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 2, 1997

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
KWAK, TO WIT:

WHEREAS, Fischione Construction Company, Inc., 2 Trails End, Lancaster, New York 14086, has requested the Town Board of the Town of Lancaster to accept work completed under a Street Lighting Public Improvement within Indian Pine Village Subdivision, Phase I, within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvement and has recommended the approval thereof,

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Street Lighting Public Improvement within Indian Pine Village Subdivision, Phase I, be and is hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 122 - Street Lights -

conditioned, however, upon the following:

1. **Receipt by the Town Clerk**, within 60 days, of a bill of sale to the improvements for the property conveyed to the Town of Lancaster.
2. **Receipt by the Town Clerk**, within 60 days, of a maintenance bond for the improvement accepted herein in the principal amount of 25% of the value of the improvement accepted. The bonds shall run for a term of two years commencing with the June 2, 1997 of adoption of this resolution, and

BE IT FURTHER

RESOLVED, that a copy of this resolution be directed by the Town Clerk to the New York State Electric & Gas Corporation with a request to energize the street lights herein, and

BE IT FURTHER

RESOLVED, that should the conditions enumerated herein not be met within the stated 60 day period, the Building Inspector and the Town Clerk are directed to suspend the acceptance of building permit applications for construction within this subdivision, or subdivision phase, as the case may be.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 2, 1997

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
STEMPNIAK, TO WIT:

WHEREAS, Victor L. Peterson, III, of MJ Peterson Real Estate, 501 John James Audubon Parkway, Amherst, New York 14228, has requested the Town Board of the Town of Lancaster to accept work completed under a Street Lighting Public Improvement within Windsor Ridge Subdivision, Phase II, within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvement and has recommended the approval thereof.

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Street Lighting Public Improvement within Windsor Ridge Subdivision, Phase II, be and is hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 403 - Street Lights -

conditioned, however, upon the following:

1. **Receipt by the Town Clerk**, within 60 days, of a bill of sale to the improvements for the property conveyed to the Town of Lancaster.
2. **Receipt by the Town Clerk**, within 60 days, of a maintenance bond for the improvement accepted herein in the principal amount of 25% of the value of the improvement accepted. The bonds shall run for a term of two years commencing with the June 2, 1997 of adoption of this resolution, and

BE IT FURTHER

RESOLVED, that a copy of this resolution be directed by the Town Clerk to the New York State Electric & Gas Corporation with a request to energize the street lights herein, and

BE IT FURTHER

RESOLVED, that should the conditions enumerated herein not be met within the stated 60 day period, the Building Inspector and the Town Clerk are directed to suspend the acceptance of building permit applications for construction within this subdivision, or subdivision phase, as the case may be.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 2, 1997

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
MONTOUR, TO WIT:

WHEREAS, Windsor Ridge Partners, 501 John James Audubon Pkwy.,
Amherst, New York 14228, has applied to the Town Board of the Town of Lancaster for a
permit to construct a Public Improvement upon real property in the Town of Lancaster within
Windsor Ridge Subdivision, Phase III.

WHEREAS, the Town Engineer of the Town of Lancaster has certified
on the following permit application that he has reviewed the improvement plans and permit
application for the installation of the public improvement requested, and that it conforms to the
Ordinances of the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Application No. of , New York,
for the installation of:

P.I.P. No. 470 Install seven (7) street lights
(Street Lights)

be and is hereby approved and the installation of the improvement requested be and is hereby
authorized.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED
COUNCIL MEMBER MILLER	VOTED
COUNCIL MEMBER MONTOUR	VOTED
COUNCIL MEMBER STEMPIAK	VOTED
SUPERVISOR GIZA	VOTED

June 2, 1997

File: RPIP (P27)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK , WHO
MOVED ITS ADOPTION. SECONDED BY
COUNCIL MEMBER MONTOUR , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster deems it in the public
interest to amend Section 50-24 Light Industrial District. (B) Permitted Uses (1) Principal
Structures and Uses of Chapter 50 Zoning, of the Code of the Town of Lancaster;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 130 of the Town Law of the State of New
York, a public hearing on the proposed amendment to Section 50-24 (B)(1)(f) of Chapter 50,
Zoning, of the Code of the Town of Lancaster, County of Erie and State of New York will be
held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 16th day of June, 1997
at 8:45 o'clock P.M., Local Time, , and that Notice of the time and place of such hearing be
published on or before the 5th day of June, 1997, in the Lancaster Bee, the official Newspaper,
being a newspaper of general circulation in said Town, and be posted on the Town Bulletin
Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 2, 1997

File: ramdzord

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 2nd day of June, 1997, the said Town Board will hold a public hearing on the 16th day of June, 1997, at 8:45 o'clock p.m., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York to hear all interested persons upon the following proposed amendment to Section 50-24, Light Industrial District, (B) Permitted Uses (1) Principal structures and uses of Chapter 50, Zoning, of the Code of the Town of Lancaster:

CHAPTER 50 - ZONING

Chapter 50, Zoning, of the Code of the Town of Lancaster shall be amended as follows:

Section 50-24. Light Industrial District (LI)

.....

B. Permitted Uses .

- (1) **Principal structures and uses., shall be amended by adding thereto the following:**

.....

- “(f) Any commercial recreation activity by special Permit issued by the Town Board”**

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**BY: ROBERT P. THILL
Town Clerk**

June 2, 1997

PREFILED RESOLUTION NO. 12 - MEETING OF 6/02/97

12. Stempniak/_____ Set Public Hearing Re: Amend Zoning Ordinance Map change
By Town Board Initiative N/S Walden Avenue

At the request of Council Member Stempniak, this resolution was withdrawn for
further study.

File: RWTHDRWN

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MILLER, TO WIT:

WHEREAS, AIRTEK, INC. has submitted a Site Plan April, 1997 and
received April 23, 1997, for the construction of an addition to its existing facility located on the
south side of Walden Avenue, west of Pavement Road, in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the plan, and at its meeting of
May 14, 1997, recommended approval, and

WHEREAS, a SEQR review of this project was held on June 2, 1997, and a
Negative Declaration was issued at that time;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the
Site Plan submitted by AIRTEK, INC. for the construction of an addition to its existing facility
located on the south side of Walden Avenue, west of Pavement Road, in the Town of Lancaster,
with plans prepared by MWT Architects and dated April, 1997 and received April 23, 1997.

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 2, 1997

File: rsitark

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION. SECONDED BY
COUNCIL MEMBER MILLER, TO WIT:

WHEREAS, ALCO PLASTICS, INC. has submitted a Site Plan for the construction of a new manufacturing facility and office complex to be located on Ward Road, north side of Walden Avenue, in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the plan, and at its meeting of May 14, 1997, recommended approval, and

WHEREAS, a SEQR review of this project was held on June 2, 1997, and a Negative Declaration was issued at that time;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by **ALCO PLASTICS, INC.** for the construction of a new manufacturing facility and office complex to be located on Ward Road, north side of Walden Avenue in the Town of Lancaster, with plans prepared by MWT Architects and issued May 20, 1997.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER MILLER	VOTED	YES
COUNCIL MEMBER MONTOUR	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR GIZA	VOTED	YES

June 2, 1997

File: rsitalco

THE FOLLOWING RESOLUTION WAS OFFERED
BY, SUPERVISOR GIZA , WHO MOVED
ITS ADOPTION. SECONDED BY
COUNCIL MEMBER MONTOUR , TO WIT:

WHEREAS, a Public Hearing was held on the 5th day of May, 1997, on the Petition of **BENDERSON DEVELOPMENT CO., INC.**, the Contract Vendee of a parcel of property located on the east side of Transit Road, south of Wehrle Drive, in the Town of Lancaster, New York, for the rezone of said property from GB-General Business District, to a CMS - Commercial-Motor Service District and

WHEREAS, a Notice of said Hearing has been duly published and posted, and

WHEREAS, in accordance with Section 239 (m) of the General Municipal Law of the State of New York, the Erie County Department of Planning has reviewed such application for rezone and has no objection with respect thereto;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Zoning Ordinance and Zoning Map of the Town of Lancaster is hereby amended and changed so that the real property hereinafter described is changed from a GB-General Business District to a CMS-Commercial-Motor Service District:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot 12, Section 12, Township 11, Range 6 of the Holland Land Company's Survey bounded and described as follows:

COMMENCING at a point in the west line of Lot 12, (centerline of Transit Road) 1018.00 feet southerly from the north line of Lot 12 (centerline of Wehrle Drive);

THENCE easterly parallel to the north line of Lot 12, a distance of 50.0 feet to the Point or Place of Beginning being the east line of Transit Road as presently laid out;

THENCE continuing easterly and parallel to the north line of Lot 12, a distance of 345.00 feet;

THENCE northwesterly at an interior angle of 60° 16' 36" a distance of 164.65 feet;

THENCE westerly and parallel with the north line of Lot 12 a distance of 265.00 feet to the east line of Transit Road;

THENCE southerly along the east line of Transit Road 143.00 to the Point or Place of Beginning, containing 1.02 acres more or less.

2. This rezone shall be subject to the following conditions:

- (a) No gasoline sales or facilities shall be permitted;
- (b) No automobile collision work shall be permitted;

- © The owner of the property, Randall Benderson 1993-1 Trust shall execute an Agreement with the Town accepting the conditional rezone and reversion to GB-General Business if the conditioned rezone use described herein should cease for a twenty-four (24) month period; and
- (d) This rezone is specifically conditioned to provide the sale of retail tire sales, installation and related ride oriented services; i.e. shocks, struts, alignment and batteries.

3. That said Ordinance Amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on the 2nd day of June, 1997;

4. That upon satisfaction of Condition © above a certified copy of this Ordinance Amendment shall be published in the Lancaster Bee;

5. That upon publication of this Ordinance Amendment, Affidavits of Publication shall be filed with the Town Clerk; and

6. That a Certified copy of this resolution be furnished to the Erie County Department of Planning.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED NO
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED NO
SUPERVISOR GIZA	VOTED YES

June 2, 1997

File: rrezbdsn.a

**LEGAL NOTICE
NOTICE OF ADOPTION OF AMENDMENT
ZONING ORDINANCE - TOWN OF LANCASTER
BENDERSON REZONE
NATIONAL TIRE WAREHOUSE - TRANSIT ROAD
TOWN OF LANCASTER, ERIE COUNTY, NEW YORK**

Page 415

LEGAL NOTICE IS HEREBY GIVEN, that the Zoning Ordinance is hereby amended and the Zoning Map of the said Town is hereby changed so that the real property described is changed from a GB-General Business District to a CMS - Commercial-Motor Service District:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot 12, Section 12, Township 11, Range 6 of the Holland Land Company's Survey bounded and described as follows:

COMMENCING at a point in the west line of Lot 12, (centerline of Transit Road) 1018.00 feet southerly from the north line of Lot 12 (centerline of Wehrle Drive);

THENCE easterly parallel to the north line of Lot 12, a distance of 50.0 feet to the Point or Place of Beginning being the east line of Transit Road as presently laid out;

THENCE continuing easterly and parallel to the north line of Lot 12, a distance of 345.00 feet;

THENCE northwesterly at an interior angle of 60 16'36" a distance of 164.65 feet;

THENCE westerly and parallel with the north line of Lot 12 a distance of 265.00 feet to the east line of Transit Road;

THENCE southerly along the east line of Transit Road 143.00 to the Point or Place of Beginning, containing 1.02 acres more or less.

1. This rezone shall be subject to the following conditions:

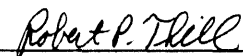
- (a) No gasoline sales or facilities shall be permitted;
- (b) No automobile collision work shall be permitted;
- (c) The owner of the property, Randall Benderson 1993-1 Trust shall execute an Agreement with the Town accepting the conditional rezone and reversion to GB-General Business if the conditioned rezone use described herein should cease for a twenty-four (24) month period; and
- (d) This rezone is specifically conditioned to provide the sale of retail tire sales, installation and related ride oriented services; i.e. shocks, struts, alignment and batteries.

June 2, 1997

**STATE OF NEW YORK :
COUNTY OF ERIE : ss:
TOWN OF LANCASTER:**

THIS IS TO CERTIFY that I, ROBERT P. THILL, Town Clerk of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of Legal Notice with the original filed in my office at Lancaster, New York on the 2nd day of June, 1997, and that the same is a true and corrected copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Town, this 2nd day of June, 1997.



Town Clerk

(S E A L)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA , WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
MONTOUR , TO WIT:

WHEREAS, Abate Engineering Associates, P.C., 4455 Genesee Street,
Buffalo, New York 14225, the Architect for the Town of Lancaster Highway Garage Roof
Replacement and Ventilation, has submitted Change Order No. 1 in the amount of \$1,293.60 to
the Town Board for their approval, and

WHEREAS, the Town Engineer, by letter dated May 27, 1997, has
recommended such change order,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves
Change Order No. 1 to Abate Engineering Associates, P. C., Inc. according to the following
descriptions of changes to the contract:

DESCRIPTION OF CHANGE ORDER:

Change Order No. 1:

1. Additional on-site/inspection services	\$1,293.60
Total Change Order No. 1:	\$1,293.60
Original Contract Sum was	\$17,370.00
Contract sum will be increased by this change order in the amount of	\$1,293.60
New contract sum will be	\$18,663.60

and,

BE IT FURTHER

RESOLVED, that the Supervisor be and is hereby authorized to execute these
change orders on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 2, 1997

File: RCHANGE.ORD (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA , WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
STEMPNIAK , TO WIT:

WHEREAS, MGR Constructors, Inc., P.O. Box 61, Bowmansville, New York 14026, the General Construction Contractor for the Lancaster Town Hall and Opera House Roof Replacement and Truss Repair, has submitted Change Order No. 1 in the amount of \$150.00 to the Town Board for their approval, and

WHEREAS, the Town Engineer, by letter dated May 23, 1997, has recommended such change order,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change Order No. 1 to MGR Constructors, Inc. according to the following descriptions of changes to the contract:

DESCRIPTION OF CHANGE ORDER:

Change Order No. 1:

1. Furnish and install new flooring and relocate railing for proper functioning of enclosure doors \$150.00
Total Change Order No. 1: \$150.00
Original Contract Sum was \$7,100.00
Contract sum will be **increased** by this change order in the amount of \$150.00
New contract sum will be \$7,250.00

and,

BE IT FURTHER

RESOLVED, that the Supervisor be and is hereby authorized to execute these change orders on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 2, 1997

File: RCHANGE.ORD (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY, SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION. SECONDED BY COUNCIL
MEMBER MONTGOMERY, TO WIT:

WHEREAS, a Public Hearing was held on the 19th day of May, 1997, by the Town Board of the Town of Lancaster for the rezone of a parcel of property presently owned by BELLA VISTA GROUP, located on the east side of Transit Road, south of William Street, in the Town of Lancaster, New York, from a GB-General Business District to a CMS-Commercial Motor Service District, and

WHEREAS, a Notice of said Public Hearing has been duly published and posted,
and

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Zoning Ordinance and Zoning Map of the Town of Lancaster is hereby amended and changed so that the real property hereinafter described is changed from GB-General Business District to a CMS-Commercial Motor Service District:

ALL THAT TRACT OF PARCEL OF LAND, situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot Number Ninety-five (95) Township Ten (10), Range Six (6) of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING at a point of intersection in the easterly line of Transit Road, as laid out one hundred (100) feet wide with the southerly line of said Lot Number ninety-five (95); said point of intersection being 1573 feet more or less south of the centerline of William Street as measured along the easterly line of Transit Road;

THENCE running northerly along said line of Transit Road, one hundred twenty-eight and eleven hundredths (128.11) feet to a point;

THENCE easterly at right angles to the last mentioned line, three hundred fifty-four and no hundredths (354.00) feet to a point;

THENCE southerly at right angles to the last mentioned line and parallel with the easterly line of Transit Road, one hundred seventeen and ninety-five hundredths (117.95) feet to a point on the southerly line of said Lot Number ninety-five (95);

THENCE westerly along the southerly line of said Lot Number ninety-five (95), three hundred fifty-four and fifteen hundredths (354.15) feet to the POINT OF BEGINNING.

Containing 1.00 acres more or less, which describes the property located at 4885 Transit Road, Lancaster, N.Y.

2. This rezone is subject to the following condition:

-- In the event that the use ceases as an oil change facility
the owner has twenty-four months to find a similar tenant,
otherwise the zoning reverts back to GB- General Business.

3. That said Ordinance Amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on the 2nd day of June, 1997;
4. That a certified copy thereof be published in the Lancaster Bee on or before the June 5, 1997;
5. That Affidavits of Publication be filed with the Town Clerk; and
6. That a certified copy of this resolution be furnished to the Erie County Department of Planning.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED NO
SUPERVISOR GIZA	VOTED YES

June 2, 1997

File: rezbvaa.

**LEGAL NOTICE
NOTICE OF ADOPTION OF AMENDMENT
ZONING ORDINANCE, TOWN OF LANCASTER
BELLA VISTA - OIL CHANGE
TOWN OF LANCASTER**

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LEGAL NOTICE IS HEREBY GIVEN, that the Zoning Ordinance is hereby amended and the Zoning Map of the said Town is hereby changed so that the real property hereinafter described is changed from a GB-General Business District to a CMS-Commercial Motor Service District:

ALL THAT TRACT OF PARCEL OF LAND, situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot Number Ninety-five (95) Township Ten (10), Range Six (6) of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING at a point of intersection in the easterly line of Transit Road, as laid out one hundred (100) feet wide with the southerly line of said Lot Number ninety-five (95); said point of intersection being 1573 feet more or less south of the centerline of William Street as measured along the easterly line of Transit Road;

THENCE running northerly along said line of Transit Road, one hundred twenty-eight and eleven hundredths (128.11) feet to a point;

THENCE easterly at right angles to the last mentioned line, three hundred fifty-four and no hundredths (354.00) feet to a point;

THENCE southerly at right angles to the last mentioned line and parallel with the easterly line of Transit Road, one hundred seventeen and ninety-five hundredths (117.95) feet to a point on the southerly line of said Lot Number ninety-five (95);

THENCE westerly along the southerly line of said Lot Number ninety-five (95), three hundred fifty-four and fifteen hundredths (354.15) feet to the POINT OF BEGINNING.

Containing 1.00 acres more or less, which describes the property located at 4885 Transit Road, Lancaster, N.Y.

This rezone is subject to the following condition:

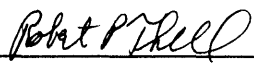
- In the event that the use ceases as an oil change facility, the owner has twenty-four (24) months to find a similar tenant, otherwise the Zoning reverts back to GB-General Business.

June 2, 1997

STATE OF NEW YORK :
COUNTY OF ERIE : ss:
TOWN OF LANCASTER :

THIS IS TO CERTIFY, that I, ROBERT P. THILL, Town Clerk of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of Legal Notice of Adoption of Rezone with the original filed in my office at Lancaster, New York on the 2nd day of June, 1997, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Town, this 2nd day of June, 1997.



Town Clerk

(SEAL)

PREFILED RESOLUTION NO. 19 - MEETING OF 6/02/97

19. Kwak/_____ Approve Revised Site Plan AHEPA #91, Inc.

At the request of Council Member Kwak, this resolution was withdrawn for further study.

File: RWTHDRWN

PREFILED RESOLUTION NO.20

20. Kwak/_____ Extend White Collar Contract Benefits To All Non-Union
Town Employees Holding Confidential Positions

At the request of Council Member Kwak, this resolution was withdrawn for
further study.

File: RWTHDRWN

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
STEMPNIAK, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts:

Claim No. 14085 to Claim No. 14307 Inclusive

Total amount hereby authorized to be paid: **\$433,444.69**

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 2, 1997

File: RCLAIMS

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER MILLER, TO WIT:

RESOLVED, that the following Building Permit Applications be and are hereby approved and the issuance of these Building Permits be and are hereby authorized:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

NEW PERMITS:

No.	<u>Code Applicant</u>	<u>Street Address</u>	<u>Structure</u>
4194	Terrance Sullivan	27 Woodgate Dr	Er. Pool
4195	The Garden Hotel	6461 Transit Rd	Er. Hotel
4196	Matthew Weldon	28 Grafton Ct	Er. Deck
4197	Michael Narde	104 Newberry Ln	Er. Fence
4198	Michael Sebastiano	165 Nichter Rd	Er. Add. House
4199	Donald Hutton	37 Spruceland Terr	Er. Deck
4200	Fischione Const Co	60 Tomahawk Tr	Er. Sin. Dwlg
4201	Majestic Pools Inc	11 Clermont Ct	Er. Pool
4202	Majestic Pools Inc	10 Gale Dr	Er. Pool
4203	Carl Kujawa	16 Sagebrush Ln	Er. Deck
4204	Keith Reimers	21 Clermont Ct	Er. Deck
4205	Edifice Inc	6707 Transit Rd	Ex. Cinemas
4206	Flix Theaters	4901 Transit Rd	Er. Temp
4207	Leo Martis	46 Stream View Ln	Er. Pool
4208	TABLED (see second resolve)		
4209	Black Hat Chimney	17 Signal Dr	Er. Fireplace
4210	Renee Sekuterski	17 Robins Nest Ct	Er. Shed
4211	James Schoenhardt	5102 William St	Er. Deck
4212	Robert Ferrentino	33 Bentley Cir	Er. Deck
4213	Michael Buczkowski	15 Signal Dr	Er. Deck
4214	Robert Whelan	27 Partridge Wlk	Er. Shed

4215	Russell Gangloff	527 Pleasant View Dr	Er. Shed/Pool
4216	Joanne Twardowski	3 Hemlock Ln	Er. Shed
4217	Thomas Samborski	4888 William St	Er. Pool
4218	Ken Schmid	1276 Penora St	Er. Pool
4219	Majestic Pools Inc	13 Michael's Wlk	Er. Pool
4220	Parkhaven Bldrs Inc	14 Cobblestone Ct	Er. Sin. Dwlg
4221	John Bauman	88 Southpoint Dr	Er. Shed
4222	Kevin O'Connor	2 Wendtworth Ct	Er. Deck
4223	Val Walczynski	140 Stony Rd	Er. Shed
4224	Patricia Plante	11 Willow Ridge Ct	Er. Fence
4225	Susan Ruskar	4897 William St	Er. Shed
4226	Leisurewood Design	123 Michael's Wlk	Er. Deck
4227	Thomas Kaczmarek	18 Ravenwood Dr	Er. Shed
4228	Mary Grupka	425 Central Ave	Er. Pool
4229	Mitchell DelPrince	58 Old Pc st Rd	Er. Deck
4230	Mike Chavane	24 Southpoint Dr	Er. Deck
4231	Anthony Lorusso	8 Bridgewater Ct	Er. Fence
4232	Edward Kelly	6 Quail Run Ln	Er. Deck
4233	Donald & Lori Zappia	11 Arrow Trail	Er. Shed
4234	Michael Russ	23 Cobblestone Ct	Er. Fence
4235	John Golden	10 Bridlepath Ln	Er. Fence

and

BE IT FURTHER

RESOLVED, that Building Permit Application No. 4208 applied for by Schuster Construction to extend a single dwelling on premises situate on 12 Maple Drive be and is hereby tabled for further study, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 2, 1997

FILE: RBLDG.2 (P1-2)

COMMUNICATIONS:

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372. Eric & Dorothy Joseph to Town Board -
Letter expressing concerns of road dust and lack of trees surrounding the Tops
Distribution Center. DISPOSITION: = Supervisor
373. County DOT to Town Clerk -
Capacity analysis for accident data and traffic volumes at William and Aurora (CR243)
and William at Lake (CR164). DISPOSITION: = Chief Fowler
374. Donald Gallo to Supervisor -
Re: Additional plaque for concession stand at Westwood Park. DISPOSITION: =
Received & Filed
375. Various residents to Furlong and Delmonte, P.C., Attorneys -
Comments re. Continued union activity in the Hillside Estates and Heritage Hills
Subdivisions. DISPOSITION: = Town Attorney
376. Erie County Health Dept. to Town Board -
Approval of Completed Works, Water System Improvements, Ref: 69337 (Glendale -
Parkdale) DISPOSITION: = Received & Filed
377. County Health Dept. To Town Board -
Approval of Completed Works, Water System Improvements, Ref: 69337 (Steinfeldt Ave.)
DISPOSITION: = Received & Filed
378. Richard Anderson to Supervisor -
Advisement of meeting supporting relocation of the Williamsville toll barrier.
DISPOSITION: = Received & Filed
379. Maxine Schrlau to Town Board -
Note of appreciation for proclamation to Ann Mioducki. DISPOSITION: = Received &
Filed
380. Clough, Harbour & Associates LLP to Supervisor -
Seeks to continue engineering services for the Town. DISPOSITION: = Town Attorney
381. Thomas Kaufman to Town Board -
Proposes double yellow traffic line on Route 33 (Genesee St.) through Bowmansville.
DISPOSITION: = State DOT
382. Youth Bureau to Town Board -
Invitation to Open House and Family Fun Day May 31, 1997. DISPOSITION: = Received
& Filed
383. Town Line Fire Dept. to Town Clerk -
Advisement of additions to active roster. DISPOSITION: = Received & Filed
384. Town Clerk to Media -
Notice of SEQR meeting to be held 6/2/97 re: Airtech and Alco site plans.
DISPOSITION: = Received & Filed
385. AHEPA 91, Inc. to Town Board -
Request be placed on agenda for Town Board meeting of 6/2/97. DISPOSITION: =
Planning & Zoning Committee
386. Town Engineer to Town Board -
Recommend acceptance of street lighting public improvement within Village on the Park
Subdivision, Phase II. DISPOSITION: = Received & Filed
387. Town Engineer to Town Board -
Recommend acceptance of street lighting public improvement within Stony Brook South
Subdivision. DISPOSITION: = Received & Filed
388. Town Engineer to Town Board -
Recommend acceptance of street lighting public improvement within GlenHollow
Subdivision, Phase IIC. DISPOSITION: = Received & Filed
389. Town Engineer to Town Board -
Recommend acceptance of street lighting public improvement within Indian Pine Village
Subdivision, Phase I. DISPOSITION: = Received & Filed

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390. Town Engineer to Town Board -
Recommend acceptance of storm sewer, pavement and curbs and water line public improvements within Windsor Ridge Subdivision, Phase III. DISPOSITION: = Received & Filed
391. Town Engineer to Town Board -
Recommend acceptance of street lighting public improvement within Windsor Ridge Subdivision, Phase II. DISPOSITION: = Planning Committee
392. Town Engineer to Town Board -
Recommend Supervisor execute Change Order No. 1 for MGR Constructors, Inc. re: Town Hall Roof Replacement/Truss Repair Project. DISPOSITION: = Received & Filed
393. Town Engineer to Town Board -
Recommend Supervisor execute Change Order No. 1 for Abate Engineering Associates. P.C. re: Highway Garage Roof Replacement and Ventilation Project. DISPOSITION: = Received & Filed
394. Duplicate of No. 385
395. Northwest Lancaster Homeowners Assoc. To Town Clerk -
Request placement on agenda for Town Board meeting of 6/2/97. DISPOSITION: = Received & Filed
396. Planning Board to Town Board -
Recommend denial of AHEPA #91 Senior Housing site plan. DISPOSITION: = Received & Filed
397. Planning Board to Town Board -
Minutes from meeting held 5/28/97. DISPOSITION: = Received & Filed
398. Supervisor to Joseph Maciejewski, Dep Com. Real Prop -
Request for Extension of Collector's Warrant - Town of Lancaster. DISPOSITION: = Received & Filed
399. Police Chief to Supervisor -
Reply to request of town resident for double yellow lines on Genesee St.
DISPOSITION: = State DOT
400. Donald Gallo to Town of Lancaster -
Final Inspection Agenda for Westwood Park. DISPOSITION: = Recreation Committee
401. Richard Dunaway to Supervisor -
Comments regarding trash strewn about while awaiting trash collection.
DISPOSITION: = C.I.D.
402. Director, ODPSD to Supervisor -
Minutes for meeting of May 20, 1997. DISPOSITION: = Received & Filed
403. Director ODPSD to Supervisor -
Disaster Response Committee Membership Roster. DISPOSITION: = Received & Filed
404. LIDA Chairman to various County Officials -
Advisement of Public Hearing for Agency assistance for Airtek, 6/13/97. DISPOSITION: = Received & Filed
405. AHEPA 91, INC. to Supervisor -
Concerns re. Advertisement in Lancaster Bee by the Northwest Homeowners Association.
DISPOSITION: = Received & Filed
406. Police Chief to Editor Lancaster Bee -
Response to complaint of John Skubis with regard to lack of attendance for fallen police officers at the May 12th tribute. DISPOSITION: = Received & Filed

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER MILLER AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 10:15 P.M.


Robert P. Thill, Town Clerk